



Dear EPA FOIA Office,

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended, Public Employees for Environmental Responsibility ("PEER") requests certain information from the U.S. Environmental Protection Agency ("EPA") regarding involuntary administrative leave. Specifically, we request:

- The total amounts of involuntary administrative or investigative leave imposed on agency staff for each year for the years 2015, 2016, 2017, 2018, 2019, and 2020.¹

PEER specifically requests that the agency conduct a search of files stored in any SharePoint, Google Drive, Dropbox, or similar system of file sharing or organization.

This request includes all final documents that have ever been within the agency's custody or control, whether they exist in agency "working," investigative, retired, electronic mail, or other files currently or at any other time. All electronic records should be delivered in their original file format with metadata and any attachments included. Physical records should be scanned or otherwise converted into electronic format.

Fee Waiver Request

PEER requests that all fees be waived because "disclosure of the information is in the public interest . . . and is not primarily in the commercial interest of the requestor" (5 U.S.C. 552 (a) (4)(A)):

1. The records concern the operations or activities of the Government.

The FOIA request is, by its terms, limited to identifiable activities of EPA, specifically information on the total amounts of involuntary administrative leave imposed on agency staff for each year from 2015 through 2020.

2. The disclosure of the requested records is likely to contribute to public understanding of these operations or activities.

The requested material consists of amounts of involuntary leave imposed on agency staff. As such, the requested records are the most meaningful documents that could be requested on this topic and will contribute to the understanding of how involuntary leave is used.

¹ Calendar years or fiscal years are acceptable, depending on the agency's existing form of recordkeeping

3. The release of these requested records will contribute significantly to public understanding of the governmental activities.

The nature of the information should allow the public to see information about EPA's use of involuntary leave.

The general public has a keen interest in EPA's use of involuntary leave, recently highlighted in GAO's 2014 report on the subject,² the Administrative Leave Act of 2016,³ and OPM's implementing regulations.⁴ The issue has also been discussed in news outlets covering federal personnel policies.⁵

PEER intends to provide the requested information to the general public through –

- Release to the news media;
- Posting on PEER's web page which draws between 1,000 and 10,000 viewers per day; and
- Publication in PEER's newsletter that has a circulation of approximately 20,000, including 1,500 environmental journalists.

4. Disclosure would not serve a commercial interest of the requestor.

Disclosure is in no way connected with any commercial interest of the requestors in that PEER is a nonprofit, nonpartisan public interest organization concerned with upholding the public trust through responsible management of our nation's resources and with supporting professional integrity within public land management and pollution control agencies. To that end, PEER is designated as a tax-exempt organization under section 501(c)(3) of the Internal Revenue code.

If in the process of conducting a search for records responsive to this request it appears that a large quantity of irrelevant material is being included or further relevant material may not be captured by the specific terms of the request, or any other concerns related to the timeliness or completeness of the response arise, please contact the undersigned kbell@peer.org.

² GAO-15-79

³ enacted under section 1138 of the National Defense Authorization Act for Fiscal Year 2017 (Pub. L. 114-328, 130 Stat. 2000, December 23, 2016)

⁴ See 5 CFR 630

⁵ See Nicole Orgysko, *What's taking so long on those new administrative leave options?*, FED. NEWS NETWORK (Aug. 29, 2019), <https://federalnewsnetwork.com/workforce/2019/08/whats-taking-so-long-on-those-new-administrative-leave-options/>.

If you have any questions about this FOIA request, please contact me at 240-247-0298 or kbell@peer.org. I look forward to receiving the agencies final response within 20 working days.

Cordially,

Kevin H. Bell,

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